IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 10281 of 2003

Between:

C.Kumar Goud s/o.Sattaiah, aged 48 years,

Occ: Toddy Business, R/o.2-2-76/25, Amberpet, Hyderabad.

..... PETITIONER

AND

1. Government of Andhra Pradesh, rep. By its Principal

Secretary, Revenue (Excise) Department, Secretariat, Hyderabad.

2. Excise Superintendent, Prohibition & Excise, Hyderabad,

Hyderabad District.

3. Station House Officer, Prohibition & Excise,

Malakpet, Hyderabad.

4. Station House Officer, Prohibition & Excise, Kachiguda,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order of direction, preferably one in the nature of Writ of Mandamus declaring the action of the respondents in not taking steps for filing of charge sheets in the series of cases booked against the petitioner during the period from 2000 to 2003 in order to finalise the same as arbitrary, illegal and contrary to law and consequently direct the respondents not to proceed further either by way of booking fresh cases either under the provisions of A.P.Excise Act or under the provisions of any other Act including P.D. Act while directing the respondent Nos.3 and 4 herein to file charge sheets in the cases pending against the petitioner

forthwith.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondents: G.P. for Prohibition and Excise

The Court made the following :

ORDER:

The petitioner seeks to issue writ of mandamus declaring the action of the respondents in not taking steps for filing charge sheets in the series of cases booked against him during the period from 2000 to 2003 in order to finalize the same as arbitrary and illegal and consequently direct the respondents not to proceed further by way of booking fresh cases under the provisions of A.P.Excise Act or under the provisions of any other Act including Preventive Detention Act while directing respondents 3 and 4 herein to file charge sheets in the cases pending against him forthwith.

Counter affidavit has been filed by the respondents stating that three cases were registered against the petitioner and other persons on the ground that the petitioner was selling I.D sachets engaging daily workers. As the petitioner was continuously selling I.D liquor, series of cases have been registered against him and five cases are coming up for trial in the court of VI Metropolitan Magistrate in C.C.Nos.823/2001, 506/2002, 1263/2000, 509/2003 and 513/2003 and in the remaining cases charge sheets were already filed and C.C numbers are awaited. Therefore, it is stated that the allegation of the petitioner that charge sheets have not been filed is incorrect. It is stated that the petitioner is a bootlegger and he is indulging in selling of illicit liquor either directly or through agents in Amberpet and in spite of his arrest on several times he has not stopped his illegal activities. When the petitioner was allowed consumption in side the premises, a case was registered against him under Section 36(1)(c)

of A.P.Excise Act and the licence of the shop was cancelled. It is stated that the petitioner is facing trial in seven cases and in the remaining cases charge sheets have been filed.

In view of the statement made in the counter affidavit, the contention of the petitioner that the respondents are not taking any steps for filing charge sheets is incorrect and, therefore, the petitioner is not entitled for any relief in the writ petition.

The writ petition is, accordingly, dismissed. No order as to costs.

(V.ESWARAIAH, J.)

1.4.2005

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To

1. The Principal Secretary to Government,

Revenue (Excise) Department, Secretariat, Hyderabad.

2. Excise Superintendent, Prohibition & Excise, Hyderabad,

Hyderabad District.

3. Station House Officer, Prohibition & Excise,

Malakpet, Hyderabad.

4. Station House Officer, Prohibition & Excise, Kachiguda,

Hyderabad.

5. 2 copies to the Govt. Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad.

6. 2 C.D copies